

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable on and after April 1, 1996.

Approved May 1, 1997

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## CHAPTER 106

### WORKERS' COMPENSATION — OUT-OF-STATE INJURIES AND CLAIMS

S.F. 109

**AN ACT** relating to workers' compensation coverage for injuries that occur and claims made outside of the state.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 85.71, Code 1997, is amended to read as follows:

**85.71 ~~EMPLOYMENT INJURY~~ OUTSIDE OF STATE.**

If an employee, while working outside the territorial limits of this state, suffers an injury on account of which the employee, or in the event of death, the employee's dependents, would have been entitled to the benefits provided by this chapter had such injury occurred within this state, such employee, or in the event of death resulting from such injury, the employee's dependents, shall be entitled to the benefits provided by this chapter, ~~provided that if~~ if at the time of such injury any of the following is applicable:

1. The employment is principally localized in this state, that is, the employee's employer has a place of business in this or some other state and the employee regularly works in this state, or if the employee's employer has a place of business in this state and the employee is domiciled in this state, ~~or.~~

2. The employee is working under a contract of hire made in this state in employment not principally localized in any state, ~~or~~ and the employee spends a substantial part of the employee's working time working for the employer in this state.

3. The employee is working under a contract of hire made in this state in employment principally localized in another state, whose workers' compensation law is not applicable to the employee's employer, ~~or.~~

4. The employee is working under a contract of hire made in this state for employment outside the United States.

Sec. 2. **NEW SECTION. 85.72 CLAIMS FOR BENEFITS MADE OUTSIDE OF STATE — RESTRICTIONS — CREDIT.**

1. An employee, or an employee's dependents, shall not be entitled to benefits under this chapter if the employee or the employee's dependents has initiated a judicial proceeding or a contested case or other similar proceeding for the same injury, disability, or death pursuant to the laws of another state or country concerning workers' compensation, and the employee or the employee's dependents receives benefits following resolution of the proceeding pursuant to a settlement, judgment, or award.

2. If an employee, or an employee's dependents, initiates a judicial proceeding or a contested case or other similar proceeding for benefits pursuant to the laws of another state or country concerning workers' compensation, any proceeding initiated by an employee, or an employee's dependents, for workers' compensation benefits under this chapter for the same injury, disability, or death shall be stayed, without prejudice, pending resolution of the out-of-state claim for benefits.

3. If benefits are paid under this chapter and were payable, at any time, for the same injury, disability, or death pursuant to the laws of another state or country concerning workers' compensation, the employer shall have a credit toward the benefits payable under this chapter for any benefits paid in another state or country.

Approved May 2, 1997

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## CHAPTER 107

### REGISTERED AGENTS OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES

*S.F. 116*

**AN ACT** relating to the appointment and resignation of registered agents of corporations, limited liability companies, and partnerships and their registered offices.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 487.104, subsection 3, Code 1997, is amended to read as follows:

3. An agent for service of process may resign as agent ~~upon~~ by signing and delivering to the secretary of state an original statement of resignation for filing and recording in accordance with section 487.206 a written notice of resignation, executed in duplicate, with the secretary of state. The secretary of state shall forthwith mail agent shall send a copy of the statement of resignation by certified mail to the limited partnership at its principal place of business. The agent shall certify to the secretary of state that the copy has been sent to the limited partnership, including the date the copy was sent. The appointment of the agent terminates ~~upon the expiration of thirty days after receipt of the notice by~~ on the date on which the statement is filed by the secretary of state.

Sec. 2. Section 487.104A, subsection 1, paragraphs b and d, Code 1997, are amended by striking the paragraphs.

Sec. 3. Section 487.902, subsection 5, Code 1997, is amended to read as follows:

5. A statement that the secretary of state is the agent of the foreign limited partnership for service of process if ~~the registered agent has resigned and~~ an agent has not been appointed under subsection 4 or, if appointed, the agent's authority has been revoked, or if the agent cannot be found or served with the exercise of reasonable diligence.

Sec. 4. Section 487.909, Code 1997, is amended to read as follows:

487.909 RESIGNATION OF AGENT FOR SERVICE OF PROCESS.

An agent for service of process of a foreign limited partnership may resign as agent ~~upon filing a written notice of the resignation, executed in duplicate, with the secretary of state by signing and delivering to the secretary of state an original statement of resignation for filing in accordance with section 487.206. The secretary of state agent shall forthwith mail send a copy of the statement of resignation by certified mail to the foreign limited partnership at its principal office or office required to be maintained in the state of its organization place of business. The agent shall certify to the secretary of state that the copy has been sent to the limited partnership, including the date the copy was sent.~~ The appointment of the agent terminates ~~upon the expiration of thirty days after receipt of the notice by~~ on the date on which the statement is filed by the secretary of state.